

REMARKS/ARGUMENTS

Claims 1-5, 7-11, and 13-18 are pending in the present application. Claims 1-6 and 13-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Amendments have been made to independent claims 1 and 13 as suggested by the Examiner and these rejections are considered overcome. Claims 13-15 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Izumi et al. (U.S. Pat. No. 4,531,369). Claims 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gollner in view of *Fluid Power Design Handbook*. Claim 7-9 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Gollner in view of *Fluid Power Design Handbook* and Applicant's admitted prior art. Consequently claims 7-11 have been cancelled. Claim 16 is rejected under 35 U.S.C. § 103 as being unpatentable over Izumi. Claims 1-5 are considered allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph rejections of this office action. Additionally, dependent claim 18 is considered allowable if it were to be rewritten to overcome the 35 U.S.C. § 112, second paragraph, rejection of this office action and contained all of the limitations of its rejected base claim and any intervening claims. Applicant respectfully traverses all rejections.

Claims 13-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Izumi. Claim 13 in part requires "a control means connected to the first and second control valves in order to provide a loop flushing flow by activating only the control valve which is connected to a low pressure side of the loop flushing circuit." Applicant asserts that the Izumi reference does not teach a control means that performs this

function. Instead, Izumi teaches a control device that senses a pressure differential between the inputted electric signals and decides which poppet valve should be brought to an opened condition and which poppet valve should be brought to the closed condition. (Col. 6, lines 47-54).

When mainline A is on the higher pressure side directional control valve 20 is in a position shown in fig. 3. (Col. 6, lines 54-62). Meanwhile when mainline B is on the higher pressure side control device 19 switches the directional control valve 20 from the position of Fig. 3 to a second position. (Col. 6, lines 62-65). Thus, in either instance, poppet valve 12 or 13 is controlled by the directional control valve 20 that communicates with control device 19 such that the poppet valve on the higher pressure side is brought to a closed condition while the poppet valve on the lower pressure side is brought to an opened condition. (Col. 7, lines 1-10). Thus, the control device 19 of Izumi teaches the activation of both control valves simultaneously to relieve pressure. Consequently, Izumi does not teach a control connected to the first and second valves in order to provide a loop flushing flow by activating only the control valve which is connected to the low pressure side of the loop flushing circuit as required in claim 13. Therefore, Applicant asserts that each and every limitation is not met by the Izumi reference nor would be obvious in light of the teachings of Izumi and believes claim 13 is in allowable form. Additionally, dependent claims 14-18 depend on claim 13 and are also considered in allowable form.

Thus, in view of the above amendments and arguments Applicant believes that all remaining claims 1-5 and 13-18 in this application contain allowable subject matter and respectfully requests allowance of all such claims.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

- JLH/bjs -